

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

PRESTON FRANK YOUNG,

Plaintiff,

vs.

UNITED STATES MARSHALS
OFFICE, Las Vegas, NV,

Defendant,

) 2:10-cv-00071-KJD-RJJ

) REPORT & RECOMMENDATION
OF UNITED STATES
MAGISTRATE JUDGE

The court having reviewed this matter and good cause appearing therefore,

IT IS HEREBY ORDERED that the court makes the following findings in this case:

1. On January 28, 2010, the court issued an Order (#3) setting a status hearing for February 11, 2010.
2. The Order (#3) was served on Plaintiff, Preston Frank Young, by certified mail, return receipt requested. *See*, Certified Mail Receipt (#4).
3. Proof of service was returned by the United States Post Office (#5) and revealed that Plaintiff's agent, Patricia Shuman, signed for the Certified Letter.
4. Plaintiff, Preston Frank Young, did not appear for the hearing scheduled for February 11, 2010, and further, did not contact the court to provide a reason for his non-appearance.
5. On February 26, 2010, the court issued an Order to Show Cause (#6) setting a show cause hearing for March 18, 2010.

6. The Order to Show Cause (#6) was served on Plaintiff, Preston Frank Young by certified mail, return receipt requested. *See*, Certified Mail Receipt (#7).

7. Proof of service was returned by the United States Post Office (#8) and revealed that Plaintiff's agent, Patricia Shuman signed for the Certified Letter.

8. Plaintiff, Preston Frank Young, did not appear for the show cause hearing scheduled for March 18, 2010, and further did not contact the court to provide a reason for his non-appearance.

9. Plaintiff, Preston Frank Young, appears to have abandoned this litigation.
Good cause appearing therefore,

RECOMMENDATION

IT IS THE RECOMMENDATION of the undersigned Magistrate Judge that this case be
DISMISSED WITH PREJUDICE.

NOTICE

Pursuant to Local Rule IB 3-2 [former LR 510-2] any objection to this Report and Recommendation must be in writing and filed with the Clerk of the Court within ten (10) days after service of this Notice. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time.

Thomas v. Arn, 474 U.S. 140 (1985), reh'g denied, 474 U.S. 1111 (1986). This Circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues from the order of the District Court. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991); Britt v. Simi Valley United Sch. Dist., 708 F.2d 452, 454 (9th Cir. 1983).

DATED this 19th day of March, 2010.

Robert J. Johnston
ROBERT J. JOHNSTON
United States Magistrate Judge